

**STATEMENT FOR THE RECORD
OF U.S.D.A. FOREST SERVICE
Before the
Committee on Energy and Natural Resources
Subcommittee on National Parks, Public Lands, and Recreation
U.S. Senate
Concerning
S. 2848, a Bill to Provide for a Land Exchange to Benefit
the Pecos National Historic Park
July 27, 2000**

Thank you for the opportunity to present our views on S. 2848, a bill to provide for a land exchange to benefit the Pecos National Historic Park, a unit of the National Park Service. The bill would direct the Secretary of Agriculture to convey approximately 160 acres located in the Santa Fe National Forest in New Mexico to Harold and Elizabeth Zuschlag in exchange for 154 acres owned by the Zuschlags within the Pecos National Historic Park that would be conveyed to the Secretary of the Interior.

The 160 acres of National Forest System land to be conveyed to the Zuschlags are located on top of Glorieta Mesa and have been identified as base and exchange in the Santa Fe National Forest land and resource management plan. The parcel is undeveloped and has relatively gentle topography. We are concerned with the loss of lands available as a land exchange base on the National Forest. The exchange base is effectively utilized to improve its land ownership pattern and protect important natural resources. As part of our land exchange procedures, we would complete an environmental analysis and public involvement process considering the proposal. Without lands available for exchange, the Forest is limited in its ability to complete priority land adjustments and must rely on appropriated funds to purchase lands.

The private properties to the west of these lands have been developed and we anticipate development will occur on the federal lands proposed in this exchange if transferred into private ownership. No resource analysis of the property has been completed so we are unable to determine if any critical habitat, threatened and endangered species, or cultural resources would be impacted. We are also concerned with the potential impact of providing road and utility access to the parcel once it is developed.

Using the discretion provided by the Secretaries of the Interior and Agriculture under Section 3(d)(4), additional terms and conditions in connection with the exchange of lands and interests may be added as considered appropriate. Therefore, the

environmental conditions of the lands can be considered and the impacts of the exchange evaluated in compliance with the National Environmental Policy Act.

In addition to the amendments noted in the testimony of the National Park Service regarding S. 2848, the Department of Agriculture would support the bill if section 3(d)(4) is amended by adding paragraph (5):

(5)(A) EQUALIZATION OF VALUES.—The Secretary of Agriculture shall equalize the values of Federal land conveyed under subsection (a) and the land conveyed to the Federal government under subsection (b) —

(i) by the payment of cash to the Secretary of Agriculture or the landowner, as appropriate, except that notwithstanding section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b), the Secretary of Agriculture may accept a cash equalization payment in excess of 25 percent of the value of the Federal land; or

(ii) if the value of the Federal land is greater than the land conveyed to the Federal government, by reducing the acreage of the Federal land conveyed.

(B) DISPOSITION OF FUNDS.—Any funds received by the Secretary of Agriculture as cash equalization payment from the exchange under this section shall be deposited into the fund established by Public Law 90-171 (commonly known as the “Sisk Act”)(16 U.S.C. 484a) and shall be available for expenditure, without further appropriation, for the acquisition of land and interests in the land of in the State of New Mexico.

We look forward to working with the Subcommittee and Senator Bingaman on this bill. We will also continue to work with the National Park Service to ensure that the final bill language reflects the needs and interests of all parties to the exchange.